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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/881,516	06/14/2001	Arturo A. Rodriguez	A-7010	7752

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SCIENTIFIC-ATLANTA, INC.
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EXAMINER	
SALTARELLI, DOMINIC D	
ART UNIT	**PAPER NUMBER**
2611	

DATE MAILED: 09/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief	**Application No.** 09/881,516	**Applicant(s)** RODRIGUEZ ET AL.	
	Examiner Dominic D. Saltarelli	**Art Unit** 2611	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 06 September 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
   a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
   b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

   Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
   (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
   (b) ☐ They raise the issue of new matter (see NOTE below);
   (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
   (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:
   Claim(s) allowed: _____.
   Claim(s) objected to: _____.
   Claim(s) rejected: *45-86*.
   Claim(s) withdrawn from consideration: *1-44*.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attached.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____
13. ☐ Other: _____.

HAITRAN
PRIMARY EXAMINER

Response to Arguments

1. Applicant's arguments, see page 14, filed September 6, 2005, with respect to claim 57 have been fully considered and are persuasive. The objection of claim 57 has been withdrawn.

2. Applicant's arguments filed September 6, 2005 regarding claims 45, 68, 72, 76, 79, and 82 have been fully considered but they are not persuasive.

3. Regarding claim 45, applicant argues that Farwell does not disclose, teach or suggest a plurality of programmed modules, the first programmed module corresponding to a navigation logic and the second programmed module being different than the first programmed module identifies one or more programmed module corresponding to activation of respective remote control keys according to the input registry (applicant's remarks, page 16, first paragraph). Applicant supports this assertion by stating "Farwell does not mention the programmed modules or coded routines noted in the Office Action" (applicant's remarks, page 17, second paragraph) and "There are no modules discussed, whether first or second." (applicant's remarks, page 18, first paragraph)

4. In response, further clarification of the examiner's position regarding application of the Farwell reference is necessary.

First, as described in the previous office action, the "plurality of programmed modules" limitation found in claim 45, line 8, is met by the disclosed system controller (Farwell, col. 9, lines 24-44), because the system controller

itself is not a discrete, indivisible segment of code running on the processor. In reality, the system controller is a complex, object oriented operating system composed of a great many program modules in communication with each other for performing various system related functions (as shown in fig. 14a and col. 18, lines 57-65, the system controller is the Microsoft Windows95 operating system). As such, the system controller described by the Farwell reference fully supports the claimed limitation of "a plurality of programmed modules" stored in memory (claim 45, line 8).

Second, "a first programmed module corresponding to a navigation logic" (claim 45, lines 11-12) is met by the Farwell reference as follows: As described in the final office action mailed June 3, 2005, the navigation logic is the programmed module that processes those input commands from a remote control that relate to navigation (page 8, lines 3-5 of the previous office action). That the Farwell reference teaches the system is capable of navigation using input from a remote control is evidence of this module within the system controller which uses said program modules to perform functions.

Third, "a second programmed module different than the first programmed module identifies one or more programmed modules corresponding to activation of respective remote control keys according to the input registry" (claim 45, lines 13-16) is met by the Farwell reference as follows. As described in the final office action mailed June 3, 2005, the second module is that portion of the system controller that maps signals received from the remote control to functions for

processing. For example, if a user presses the left arrow key on the remote control, the remote control sends a pulse coded signal to the receiving computer, and the pulse coded signal is then interpreted by the system controller to represent a digital word that is recognizable by applications or other modules within the system controller for appropriate processing, such as sending a signal to a spreadsheet program to move one cell to the left or sending a signal to a display driver to move an on screen cursor towards the left side of the screen. This structured type of interaction between user input devices and computer applications which relies upon programmed modules is a basic part of the design of visually oriented operating systems of the type used by Farwell, such as Windows95. Further, this second module that performs the association step is different from the first module (the navigation logic) in that the second module performs the interpretation wherein the result is passed to the navigation logic, which then acts on the resultant command. Applicant states that Farwell discloses "the system controller program running on processor 310 supervises software drivers which are programmed to distinguish between the sources, and control which program the remote key signals affect. Column 9, lines 31-34. The system controller program in Farwell appears to apply the remote keys signals to a program." (applicant's remarks, page 18, first paragraph) This statement is entirely correct. However, the key signals are not delivered as a raw pulse code to an application, they are first interpreted and then properly routed to the correct application. From there, the application running on the operating system

disclosed by Farwell would act on the received signal by invoking the navigation logic in the system controller to perform a desired function (e.g. cursor movement).

5. Regarding claim 82, applicant argues that Farwell does not disclose, teach, or suggest "a plurality of programmed modules", "an input registry associating each key in the first and second plurality of keys to at least one programmed module", or "a second program module that is different than the first programmed module" (applicant's remarks, page 19, first paragraph). Applicant supports this assertion by referring back to the arguments applied toward claim 45 regarding the "plurality of programmed modules" and the "second program module" (applicant's remarks, page 20, first paragraph). Applicant further supports the assertion that Farwell does not disclose the claimed input registry associating keys with program modules by citing column 15, lines 26-36, stating that "Farwell appears to apply the remote key signals to an application program", further reiterating that there seems to be no teaching in Farwell of the claimed program modules.

6. In response, the explanation given regarding the modular structure of the system controller program, which does in fact teach the claimed program modules regarding claim 45 in the preceding paragraphs, apply equally to the arguments presented regarding claim 82, namely that Farwell does in fact teach the claimed program modules.

7. Regarding claims 47-49, 56-58, 64-66, 68-71, and 73-75, applicant argues that the proposed combination of Farwell and Garfinkle is improper, arguing that there is no

teaching in the relevant art providing the motivation for providing drag and drop functionality from two different databases (applicant's remarks, page 22, first paragraph).

8. In response, as stated previously in the final office action mailed June 3, 2005 on pages 3-4, this argument has no relevance to either the combination nor the claims. Dragging objects from two different databases is not claimed.

9. Regarding claim 68, specifically, applicant argues that neither Farwell nor Garfinkle disclose, teach, or suggest "a plurality of programmed modules" (applicant's remarks, page 23, last paragraph).

10. In response, the explanation provided above regarding how Farwell teaches the claimed plurality of programmed modules regarding claim 45 applies equally to the argument presented regarding claim 68.

11. Regarding claim 76, applicant argues that the combination of Farwell, Kinawi, and Stoneman fails to teach "a drag and drop operation of the first displayed visual object from a first screen to a second screen replacing the first screen" (applicant's remarks, page 27, second paragraph). Applicant cites the fact that the process disclosed by Stoneman is one that involves multiple operations that result in a transition of an object from a first screen to at least a second screen that replaces the first screen.

12. In response, the examiner concedes that this assertion regarding Stoneman is correct. However, applicant is attempting to use this fact as an argument against the applicability of the reference to the claim, in spite of the fact that the claim limitations **require** a multi-step drag and drop process to move the first displayed visual object

from the first screen to the second screen (the object is placed in a temporary container on the first screen, where it is retrieved on the second screen for placement at a final destination, claim 76, lines 11-13, supported on page 16, lines 25-36). Therefore the combination of Farwell, Kinawi, and Stoneman does in fact meet every claimed limitation of claim 76.

13. Regarding claims 79 and 81, applicant argues that neither Farwell nor Stoneman teach, disclose, or suggest "providing a second displayed screen different than the first displayed screen responsive to user input causing the second displayed screen to replace the first displayed screen" (applicant's remarks, page 28, last paragraph).

14. In response, Stoneman teaches "providing a second displayed screen different than the first displayed screen responsive to user input causing the second displayed screen to replace the first displayed screen" in col. 66, lines 29-34, which describes the user moving the Region window to a new location, wherein the Region window is a virtual sliding window which displays only a portion, or region, of a larger virtual display area. The Region window in the first position presents to the user a first screen, and the user moving the Region window to a new position presents to the user a second screen, **replacing** the first screen, as it displays a new region to the user.